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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) <b>03226/513001; SUN030092</b>	
	Application Number <b>10/622,151-Conf. #1922</b>	Filed <b>July 16, 2003</b>	
	First Named Inventor <b>Sathyanarayanan N. Kavacheri et al.</b>		
	Art Unit <b>2161</b>	Examiner <b>M. M. Pyo</b>	

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- applicant /inventor.  
 assignee of record of the entire interest.  
 See 37 CFR 3.71. Statement under 37 CFR 3.73(b)  
 is enclosed. (Form PTO/SB/96)

- attorney or agent of record.

Registration number 46,479



Signature

Robert P. Lord

Typed or printed name

- attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

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Telephone number

August 29, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
 Submit multiple forms if more than one signature is required, see below\*.

\*Total of 1 forms are submitted.



Docket No.: 03226/513001; SUN030092  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
SathyanaRayanan N. Kavacheri et al.

Application No.: 10/622,151

Confirmation No.: 1922

Filed: July 16, 2003

Art Unit: 2161

For: HIERARCHICAL CONFIGURATION  
ATTRIBUTE STORAGE AND RETRIEVAL

Examiner: M. M. Pyo

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Claims 1-4 and 7-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,654,814 issued to Britton (hereinafter “Britton”), in view of U.S. Patent No. 6,901,429 issued to Dowling et al. (hereinafter “Dowling”). Claims 15-18 and 21-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Britton in view of Dowling, and in further view of U.S. Patent No. 7,010,537 issued to Eyal et al. (hereinafter “Eyal”). In maintaining the above rejections and issuing a final office action, Applicant respectfully asserts that the Examiner has failed to satisfy the requirements set out in MPEP §2143.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See MPEP §2143). Applicant respectfully asserts that the prior art references, whether considered separately or in combination, do not teach or suggest each and every limitation of independent claims 1, 8, and 15.

Independent claim 1 recites, in part, "retrieving an entry from a list of attributes, *said entry selected first according to said type of device and second according to said characteristic*

when said list does not include an entry that corresponds to said type of device, wherein said entry is presented to said device for use.” The Examiner is erroneously equating the attribute selection and retrieval process recited in claim 1 with the user selection of a hypertext link as disclosed by Britton. (*See* Final Office Action dated June 29, 2006 at page 4). The Examiner is also erroneously equating the recited attribute selection and retrieval process with a user accessing a bookmark as disclosed by Dowling. (*See* Final Office Action dated June 29, 2006 at page 5). Applicant asserts that both of these associations are improper and any attempt to use these features of Dowling and Britton to teach or suggest the attribute retrieval process, as recited in the claims, is unrealistic.

In regard to Britton, Applicant acknowledges that a hypertext link is an example of an attribute, and that Britton discloses a user selecting a particular hypertext link. (*See* Britton at column 1, lines 49-65). However, Applicant respectfully asserts that the mere selection of a particular hypertext link by a user cannot possibly be equated to the attribute selection and retrieval process recited in claim 1. Britton is completely silent regarding any methodology for selecting an attribute (e.g., the hypertext link). Thus, in equating Britton’s user selection of a hypertext link to the attribute selection and retrieval process recited in claim 1, the Examiner is effectively reading out express limitations of claim 1, which is wholly improper. The selection and retrieval methodology recited in claim 1 is sufficiently complex and distinct to be neither anticipated nor obvious from Britton’s user selection.

In regard to Dowling, Applicant acknowledges that a bookmark is an example of an attribute, and that Dowling discloses a user selecting a bookmark. (*See* Dowling at column 29, lines 21-28). However, Applicant respectfully asserts that the mere selection of a bookmark by a user cannot possibly be equated to the attribute selection and retrieval process recited in claim 1. Dowling is completely silent regarding any methodology for selecting an attribute (e.g., the bookmark). Thus, in equating Dowling’s user selection of a bookmark to the attribute selection and retrieval process recited in claim 1, the Examiner is effectively reading out express limitations of claim 1, which is wholly improper.

In addition, the Examiner continues to erroneously equate an attribute as recited in claim 1 with a rule/policy as disclosed by Britton. (*See* Final Office Action dated June 29, 2006 at page 4). Britton discloses a system including a server, a client (“device”), and a policy/rule

repository. The client can request content from the server. The server accesses the repository and based on the policies/rules in the repository pertaining to the client, the server determines how the requested content should be formatted for the client, and where this formatting should take place. (*See* Britton at column 9, lines 48-65). It is clear the rules and policies disclosed by Britton, although associated with the client, are not presented to the client (“device”) for use. In contrast, an attribute is presented to the device for use. Thus, the rules and policies disclosed by Britton contradict what is recited in claim 1. The Examiner admits Britton does not teach or suggest presenting an attribute (“rule/policy”) to a device for use. (*See* Final Office Action dated June 29, 2006 at page 4). Instead, the Examiner relies on Dowling to disclose what Britton lacks. Specifically, the Examiner states that Dowling discloses displaying a URL on a display surface. (*See* Final Office Action dated June 29, 2006 at page 4). Although Applicant acknowledges that Dowling discloses displaying a URL on a display screen, Applicant asserts that a URL is not a rule/policy. Equating a URL and a rule/policy is unrealistic.

Independent claim 8 recites, in part, “entering said attribute into a list of attributes, wherein *said list is organized into type-specific categories, wherein said attribute is entered into a category specific to said type of device provided said category exists;* and creating a new category for said attribute provided said category specific to said type of device does not already exist, wherein said attribute is usable by said type of device.” In a similar fashion to independent claim 1, the Examiner is erroneously equating a rule/policy as disclosed by Britton with an attribute as recited by independent 8. (*See* Final Office Action dated June 29, 2006 at and at page 6). As discussed above in reference to claim 1, a rule/policy disclosed by Britton is not and cannot be an attribute as recited in claim 1. Accordingly, a rule/policy as disclosed by Britton is not and cannot be an attribute as recited in claim 8.

Further, the Examiner is erroneously equating the repository of rules and policies as disclosed by Britton with the list of attributes as recited in independent claim 8. (*See* Final Office Action dated June 29, 2006 at page 6). Even assuming *arguendo* that the repository of rules/policies disclosed by Britton is equivalent to a list of attributes as recited by the claims, Britton is completely silent regarding the organizational hierarchy of the list of attributes. More specifically, Britton fails to disclose the existence and use of categories. Therefore, Britton does not and cannot disclose, for example, the creation of a new category or the entering of an attribute into a category as recited in independent claim 8. Thus, in relying on Britton to reject

claim 8, the Examiner is effectively reading out express limitations of the claim, which is wholly improper. Dowling also does not teach or suggest the organization of an attribute list and/or the existence and use of categories, and thus does not cure what Britton lacks.

Similar to independent claim 1, independent claim 15 also recites, in part, an attribute, and a retrieval process of an entry from a list of attributes. As discussed above, Britton and Dowling, whether viewed separately or in combination, fail to teach or suggest these limitations. Thus, Britton and Dowling, whether viewed separately or in combination, do not teach or suggest all the limitations of independent claim 15. Eyal does not teach or suggest what Britton and Dowling lack.

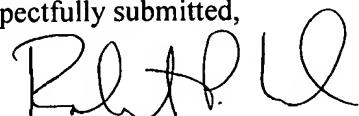
In view of the above, the Examiner has clearly failed to satisfy the requirements set forth in MPEP § 2143 with respect to independent claims 1, 8, and 15. Claims 2-4, 7, 9-14, 16-18 and 21-23 depend, directly or indirectly, from the independent claims. Accordingly, the Examiner has also failed to satisfy the requirements set forth in MPEP § 2143 with respect to the dependent claims, for at least the same reasons as those set out above for the independent claims.

### Conclusion

In view of the above, the Examiner has failed to satisfy the requirements set out in MPEP §2143. Specifically, the Examiner has failed to show that the prior art references, whether considered separately or in combination, teach or suggest all the limitations of independent claims 1, 8, and 15 and their respective dependent claims. Accordingly, a favorable decision from the panel is respectfully requested. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/513001).

Dated: August 29, 2006

Respectfully submitted,

By 

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